

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WILLIAM E. DUGAN, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
vs.)	NO. 07 C 4197
)	
BURT, INC., an Indiana corporation,)	JUDGE VIRGINIA M. KENDALL
)	
Defendant.)	

MOTION FOR ENTRY OF JUDGMENT

Plaintiffs, by and through their attorneys, default having been entered against the Defendant on September 13, 2007, request this Court enter judgment against Defendant, BURT, INC., an Indiana corporation. In support of that Motion, Plaintiffs state:

1. On September 13, 2007, this Court entered default against Defendant and granted Plaintiffs' request for an order directing Defendant to submit its monthly fringe benefit contribution reports for November 2006 forward within 14 days of the entry of said Order. The Court retained jurisdiction to enforce the September 13, 2007 Order and set the matter for a prove-up hearing on November 13, 2007.

2. On or before October 30, 2007, Defendant submitted its monthly fringe benefit contribution reports for November 2006 forward to Plaintiff Funds and via facsimile to Plaintiffs' counsel. The contribution reports show that the Defendant is delinquent in contributions to the Funds in the following amounts which total \$26,917.07:

	<u>Contributions</u>
Welfare Fund	\$12,794.95
Pension Fund	\$10,415.40
Apprenticeship Fund	\$ 1,257.22
Vacation Fund	\$ 2,449.50

(See Affidavit of David S. Bodley).

3. Additionally, the following liquidated damages, totaling \$2,691.77, are due from Defendant:

	<u>Liquidated Damages</u>
Welfare Fund	\$1,279.52
Pension Fund	\$1,041.57
Apprenticeship Fund	\$ 125.71
Vacation Fund	\$ 244.97

(Bodley Aff. Par. 5). The contribution reports submitted by Defendant are attached hereto.

4. Defendant has received a credit of \$50.17 toward amounts due and owing the Pension Fund.

5. In addition, Plaintiffs' firm has expended \$1,310.00 in attorneys' fees and \$410.00 in costs, for a total of \$1,720.00, in this matter. (See Affidavit of Catherine M. Chapman).

6. Based upon the documents attached hereto, Plaintiffs request entry of judgment in the total amount of \$31,278.67.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in the amount of \$31,278.67.

/s/ Cecilia M. Scanlon

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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Motion for Entry of Judgment) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 6th day of November 2007:

Mr. John F. Burt, Registered Agent
Burt, Inc.
11836 Woodmar Place
Cedar Lake, IN 46303

Mr. John F. Burt, Registered Agent/President
Burt, Inc.
9019 W. 133rd Avenue
Cedar Lake, IN 46303

/s/ Cecilia M. Scanlon

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